

No. 11(112)-80-8 Lab/11461.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s. Elson Cotton Mills Pvt., Ballabgarh.

BEFORE SHRI M. C. BHARDWAJ PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD

Reference No. 171 of 1977

*between*

SHRI OM PARKASH, WORKMAN AND THE MANAGEMENT OF M/S ELSON COTTON MILLS  
PVT. LTD., BALLABGARH

*Present: —*

Shri Amar Singh Sharma, for the workman.

Shri R. N. RAI, for the management.

#### AWARD

By order No. ID/FD/B-919/45735, dated 19th October, 1977 the Governor of Haryana referred the following dispute between the management of M/s. Elson Cotton Mills Private Limited Ballabgarh and its workman Shri Om Parkash, to this Tribunal, for adjudication in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947: —

Whether the termination of services of Shri Om Parkash was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 26th May, 1978:—

1. Whether the Haryana Government has declined to refer the dispute previously? If so, to what effect?
2. Whether it was incompetent on the Government to grant an opportunity to the management of hearing before making the present reference?
3. Whether the Government did not form their opinion in favour of referring the dispute?
4. Whether termination of services of the workman concerned was justified and in order? If not, to what relief is he entitled?

And the case was fixed for the evidence of the management, on issues No. 1, 2 and 3. The parties led their evidence and these issues were decided by order dated 9th March, 1979. Then the case was fixed for the evidence of the management on issue No. 4. The management examined Shri Bal Ram Singh, clerk of Labour Inspector as MW-1 and Shri Subhash Chander, Factory Manager as MW-2 and closed their case. Then the case was fixed for the evidence of the workman, who examined himself and closed his case. Arguments were heard. Now I give my finding on issue No. 4:—

*Issue No. 4:—* MW-1 stated that a complaint was received in his office from the workman concerned regarding change of service from jobber to Winder. MW-2 stated that the workman joined service as a Winder in 1971. He was made a job work on trial basis on the application Exhibit M-1 submitted by the workman. He remained a Jobber for three months. But the spinning Master,—vide Exhibit M-2 reported that his work was not satisfactory, therefore, he should be reverted to his original post. After reversion the workman remained absent. During his absence the management wrote him letter Exhibit M-4 but he did not join duty. He remained absent from 5th October, 1976 to 20th October, 1976. As per the standing orders his name was struck off for continuous absence. Letter copy Exhibit M-5 was sent to him by registered post. The management attended the Labour Inspector's office and offered the workman duty as a Winder. But the workman even thereafter did not join duty. WW-1 the concerned workman stated that his services were terminated on 5th October, 1976 without any justification. He gave Exhibit W-1 complaint to Labour Officer on 7th October, 1976. In cross-examination he stated that in 1972 he was a Winder. He admitted that he gave an application to the management for making him a Jobber as he had worked as such on Badli basis. He admitted his original application. He further admitted that the work of a Jobber was tested for 3½ months and thereafter he was made a Winder but his work was according to him satisfactory. He denied that original of Exhibit M-3 was tendered to him or that any letter was offered to him by the Postman.

I have gone through Exhibit M-1 application of the concerned workman. It is a request for change of designation as a Jobber. In this application the workman has stated him to be a Winder. There are noting on the application by different officials. According to this the workman was put on trial as a Jobber for a period of three months. The final order is dated 18th June, 1978. On 22nd September, 1976 according to Exhibit M-2 a report was made that the workman was not found suitable therefore, he may be sent to his old job. On 23rd September, 1976 there is a note that the workman should be reverted to his old job of Winder. According to Exhibit M-3 the Labour Officer of the management informed the workman on 24th September, 1976 regarding his reversion. Exhibit M-4 and M-5 are letters written to the workman informing him of his absence. I find from the documents that the workman did not join his duties as a Winder after his reversion, rather made a complaint to the Labour Inspector. He has himself admitted in his statement that he had made an application for becoming a Jobber. He has also admitted that his work was tested for 3½ months and thereafter he was reverted. In case there was any grievance to the workman over his reversion he should have agitated matter after joining his duty as a Winder and not by absenting himself. The representative for the management argued that this is a case of abandonment of service. He drew my attention to clause 7(6) of the Certified Standing Orders Exhibit M-11 by which absence of continuous seven days shall be deemed as loss of lien. He cited a number of rulings on the issue of abandonment of service. This is a clear case of abandonment of service by the workman by remaining absent. Therefore, this issue is decided in favour of the management.

While answering the reference, I give my award that the management did not terminate the services of the workman rather on the other hand the workman abandoned his job of his own by remaining absent from duty. The workman is not entitled to any relief.

M. C. BHARDWAJ,

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

The 30th September, 1980.

No. 880, dated 6th October, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 11(112)-80-8Lab/11462.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Didi Modes Private Ltd., Mathura Road, Faridabad. Sonepat.

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD

Reference No. 402 of 1978

*between*

SHRIMATI ANWARI LADY WORKER AND THE MANAGEMENT OF M/S DIDI  
MODES PVT. LTD., MATHURA ROAD, FARIDABAD

*Present.—*

Shri S. R. Gupta, for the lady worker.

Shri Ajant Kumar, for the management.

**AWARD**

By order No. ID/FD/126-78/40127, dated 31st August, 1978, the Governor of Haryana referred the following dispute between the management of M/s Didi Modes Pvt. Ltd., Mathura Road, Faridabad and its lady worker, Shrimati Anwari, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shrimati Anwari was justified and in order? If not, to what relief is she entitled?



On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed the plea in . . . On the pleading of the parties, following issues were framed on 1st March, 1979 and 22nd June, 1979 :—

- (1) Whether the present dispute is not an Industrial dispute and is incompetent ?
- (2) Whether this Tribunal has no jurisdiction to entertain the dispute ?
- (3) Whether the termination of services of the workman was justified and in order ?
- (4) If not, to what relief is she entitled ?
- (5) Whether the dispute referred to the Tribunal is not an Industrial dispute and does not fall under section 2(K) of the Industrial Dispute Act ? If so, to what effect ?
- (6) Whether espousal by a substantial number of workman is necessary in this case to raise the demands under reference ?
- (7) If issue No. 6 proved in the affirmative, whether the demand has been properly espoused by the workman ?
- (8) Whether the present dispute does not fall within the ambit of section 2(a) of the Industrial Dispute Act ? If so, to what effect ?

And the case was fixed for evidence of the management. Shri Anil Khuller produced documents Ex.M-1 and M-2. Shri R. K. Rai and Mukesh Matta appeared as M. W.-1 and M. W.-2 on behalf of the management. On the other hand the workman concerned appeared as her own witness. Arguments were heard. I now give my finding issueswise :—

Issues No. 1, 2, 5, 6, 7 and 8:—These issues were not pressed by the parties.

Issue No. 3:—MW-1 stated that he knew the concerned workman and attested her signatures on Ex.M-1 and MW-2 stated that the factory was closed since 31st September, 1979. Factory had been closed permanently. There was no intention of the management to restart the factory. The concerned workman stated that she joined this concern in January, 1978 as a Tailor. She was not told that she was being appointed for a specific job or a specific period. She further stated that she was not allowed to go to bathroom by a knew Supervisor who had come in their section on that day. After some time she went to the bathroom and when she was returning, the Supervisor saw her. The supervisor took her to the Manager and accounts were settled saying that her services were no longer required. She admitted her signature on Ex.M-1 and M-2. She further stated that all the ladies of the tailoring section were given letters identical to M-1 and M-2 after 3-4 months of their service. They were not informed of the contents of M-1 and M-2 while obtaining their signatures. In cross-examination she stated that she had made an application before entry into service. She further stated that Ex.M-1 and M-2 were not filled in at the time of her entry into service. She stated that she knew some other ladies of her Mohalla working with her in the factory. She denied the suggestion that at the time of her employment she was told that she was employed for a period of three months only.

The representative for the management argued that this was a temporary appointment. The Factory stood closed and there was no termination of services as alleged. On the other hand the representative for the workman argued that the management had failed to prove justification of their action.

I have gone through Ex. M-1 which is employment application form. It is signed by the workman concerned at point A and B. According to it appointment was temporary for a period of three months only. Ex. M-2 was also signed by the workman. This is a letter of temporary appointment stating conditions of service. According to Ex. M-1 and M-2 the workman was a temporary one. She put in only about four months service. This is well settled that services of a purely temporary nature could be terminated without any notice. The workman did not produce any other evidence except her own statement regarding misbehaviour or victimisation by the management. In these circumstances, I decide issue No. 3 in favour of the management.

Issue No. 4.—The workman is not entitled to any relief.

While answering the reference, I give my award that the termination of services of the lady worker was justified and in order. The lady worker is not entitled to any relief.

The 30th September, 1980.

M. C. BHARDWAJ,  
Presiding Officer,  
Industrial Tribunal,  
Haryana, Faridabad.

No. 881, dated 6th October, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,  
Presiding Officer,  
Industrial Tribunal,  
Haryana, Faridabad.